

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

NOV 07 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

NOV 14 2016

Department of Water Resources
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
See Exhibit 'A'	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Roth Investments, L.L.C.
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Tabor Road Farm LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 1250 NE Loop 410 Suite 300 San Antonio TX 78209
Mailing address City State ZIP
- _____
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 10/17/2016
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☐ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE #

35-2383

8. Signature: [Signature] President 10/31/2016
Signature of new owner/claimant Title, if applicable Date

Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only: 35-12653A/35-12654A listed on page 5 so not split.
 Received by AM Date 11-7-2016 Receipt No. 5035806 Receipt Amt. \$350-
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by JB Processed by JB Date 11/15/2016

Idaho Department of Water Resources
Notice of Change in Water Right Ownership
Exhibit 'A'

35-2510 OK
35-8014 OK
35-2479 OK
35-2807 OK
35-11006 OK
35-11008 OK
35-13225 OK
35-2383 OK
35-13668 OK
35-13670 OK
35-13672 OK
35-2478A OK

OK 35-12653A portion not included / water right specifically listed on deed pg. 5 **
35-12654A OK

** question S $\frac{1}{2}$ NE Sec 2

deed the North 863 feet S $\frac{1}{2}$ NE Section 2

SENE shows 40 irrigated acres which would be the full ~~QQ~~. Approved no split, but someone may file for Southern portion later.

Recording Requested by and
After Recording Return to:

Kimberly D. Maloney
Givens Pursley LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701

Instrument # 680847

BINGHAM COUNTY, IDAHO
2016-10-17 04:36:26 PM No. of Pages: 11
Recorded for: TITLEONE - JEROME
PAMELA W. ECKHARDT Fee: \$40.00
Ex-Officio Recorder Deputy JPulley
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

16-360997

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, ROTH INVESTMENTS, L.L.C., an Idaho limited liability company ("Grantor"), does hereby grant, bargain, sell and convey unto TABOR ROAD FARM LLC, a Delaware limited liability company, whose current mailing address is 1250 NE Loop 410, Suite 300, San Antonio, Texas 78209 ("Grantee"), the following described real property, located in Bingham County, Idaho, to wit (the "Premises"):

See Exhibit A attached hereto and incorporated herein by this reference.

TOGETHER WITH all water and water rights and other entitlements to water appurtenant to or beneficially used upon the Premises including, but not limited to, those described on Exhibit B, and all others represented by any decree, license, permit, claim, permit application or storage entitlement, and all other ditch and canal company, water association, irrigation district, or other water delivery entity shares and entitlements to receive water from any such company, association, district or other entity, and all ditch rights, easements, and rights of way associated with any irrigation or other water well, pump, delivery ditch, canal, lateral, pipeline, or facilities used to divert, convey or deliver any water, water rights, or entitlements appurtenant to or beneficially used upon the Premises, and all minerals and mineral rights appurtenant thereto, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest in and to the Premises, as well in law as in equity.

TO HAVE AND TO HOLD the Premises with its appurtenances unto Grantee, its successors and assigns, forever, and subject to the matters set forth on Exhibit C to this Warranty Deed attached hereto and incorporated herein (the "Permitted Exceptions"). Grantor does hereby covenant to and with Grantee, and its successors and assigns forever, that Grantor is owner in fee simple of the Premises; that Grantor has a good right to convey the fee simple; that the Premises is free from any and all liens, claims, encumbrances or other defects of title except the Permitted Exceptions; that Grantor shall and will warrant and defend the quiet and peaceful possession of said Premises by Grantee, and its successors and assigns forever, against all other claims

whatsoever except as excluded or excepted herein and that Grantor and its successors and assigns will, on demand of the Grantee or its successors or assigns, execute any instrument necessary for the further assurance of the title to the Premises that may be reasonably required.

DATED effective as of the 17th day of October, 2016.

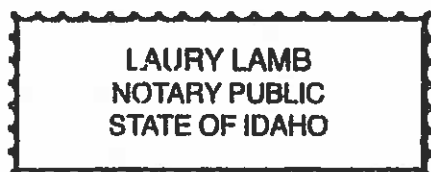
ROTH INVESTMENTS, L.L.C., an Idaho limited liability company

By: J.M. Roth
J. M. Roth, Managing Member

STATE OF IDAHO)
 : ss.
County of Jerome)

On this 17th day of October, 2016, before me, a Notary Public in and for said state, personally appeared J.M. Roth, a Managing Member of ROTH INVESTMENTS, L.L.C., an Idaho limited liability company, and the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Laury Lamb
Notary Public for Idaho
Residing at: Jerome, ID
My commission expires: 4/2/2022

Exhibit A to Warranty Deed

Legal Description of the Real Property

Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho

Section 22: East Half lying North and East of the Union Pacific Railroad

Section 23: All

EXCEPTING THEREFROM

Part of the NW ¼ SW ¼ of Section 23, Township 1 South, Range 32 E.B.M., Bingham County, Idaho, Described As: Beginning at a point that is N. 00°05'44" E. 1331.14 feet along the section line from the SW corner of said section 23 and Running Thence N. 00°05'44" E. 366.72 feet to the southerly right-of-way of the Union Pacific Railroad point being on a curve; thence along said railroad right-of-way the following two courses: 1) Easterly 32.37 feet along said curve concave to the NE curve data: Delta = 0°35'58", Radius=3094.71 feet, chord bearing S. 56°13'50" E. 32.37 feet to the P.C. of said curve railroad station 1062+39.6 230 feet left; 2) Thence S. 56°33'56" E. 635.77 feet; thence N. 89°50'18" W. 558.09 feet to the point of beginning. Except a 25 foot county road right-of-way along the W. side.

ALSO EXCEPTING THEREFROM

That portion lying within the Union Pacific Railroad right-of-way within Section 23.

Section 35: East Half

Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho

Section 14: North Half, less county road on the South and West

Section 26: North Half, less that portion lying North of the Union Pacific Railroad right-of-way

EXCEPTING THEREFROM

That portion lying within the Union Pacific Railroad right-of-way within Section 26

Section 27: East Half; East Half Northwest Quarter

LESS, Beginning at a point that is N. 89°38'18" W. 115.01 feet along the section line from the North Quarter corner of said Section 27 the True Point of Beginning, (the Northeast corner of said Section 27 bears S. 89°36'47" E. 2648.76 feet from said North Quarter corner), and running thence

S. 00°23'19" W. 2640.16 feet to the latitudinal center line, said line also being the prolongation of a line that is Ten (10) feet Westerly of an irrigation buried main line; thence

N. 89°37'00" W. 1215.58 feet to the Southwest corner of the East Half Northwest Quarter; thence

N. 00°22'43" E. 2639.71 feet to the North line of said Section 27 to the Northwest corner of said East Half Northwest Quarter (said point being S. 89°38'18" E. 1331.05 feet from the

Northwest corner of said Section 27); thence
S. 89°38'18" E. 1216.04 feet to the point of beginning.

Section 34: East Half, LESS Southwest Quarter Southeast Quarter

Township 2 South, Range 32 East, Boise Meridian, Bingham County, Idaho

**Section 2: Lots 1, 2, 3, 4; South Half Northwest Quarter; North Half Southwest Quarter;
North 863 feet of the South Half Northeast Quarter**

Section 3: Lot 1; South Half Northeast Quarter; North Half Southeast Quarter

Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho

**Section 22: Northwest Quarter; Northeast Quarter Southwest Quarter; East Half lying
South and West of the Union Pacific Railroad**

Exhibit B to Warranty Deed

Water Rights

All water and water rights, and other entitlements to water, appurtenant to or beneficially used upon the Land, including but not limited to the following decreed water rights identified in the records of the Idaho Department of Water Resources:

35-2510
35-8014
35-2479
35-2807
35-11006
35-11008
35-13225
35-2383
35-13668
35-13670
35-13672
35-2478A
35-12653A
35-12654A

Water Rights Excluded From This Transaction:

1. Any domestic water right appurtenant to or beneficially used upon that real property that has been retained by Seller known as tax parcel numbers 0075907 and 0075908.

Water Rights Subject To Irrigation Easement:

2. Irrigation Easement identified by Bingham County Instrument Number 588047.

Exhibit C to Warranty Deed

Permitted Exceptions

1. Taxes, including any assessments collected therewith, for the year 2016 which are a lien not yet due and payable.
2. Water rights, claims or title to water.
3. Unrecorded and/or unsurveyed ditch, road and public utility easements as the same may exist over said premises.
4. Right of the public in and to that portion of the premises lying within the right-of-way of public roads and highways.
5. Unrecorded and/or unsurveyed right of way for ditches, tunnels, telephone and distribution lines constructed by authority of the United States, as granted to the United States under the provisions of Section 58-604 Idaho Code.
6. Easements, reservations, notes and/or dedications as shown on the official plat of Taber Townsite
Recorded: January 6, 1971
Book: 3 of Plats, Page: 68
Instrument No 158410
Affects: Section 23
7. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: July 21, 1958
Instrument No.: 61193
Book: Y, Page: 114
Affects: Section 14
8. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Dated: April 30, 1953
Recorded: February 4, 1954
Misc. Book S, Page: 139
Instrument No. 34337
Affects: Section 22

9. An easement for the purpose shown below and rights incidental thereto as set forth in a document:
Granted To: United States of America
Purpose: Right of Way
Recorded: March 18, 1940
Instrument No.: 33946
Affects: Section 22
10. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: July 15, 1956
Book: W, Page: 174
Affects: Section 23
11. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: September 27, 1957
Book: X, Page: 81
Affects: Sections 23 and 35
12. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: September 27, 1957
Book: X, Page: 82
Affects: Section 23
13. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: October 3, 1961
Book: 3, Page: 237
Instrument No.: 84636
Affects: Section 23
14. Agreement and the terms and conditions contained therein
Between: Ronald H. Bair and Janiece R. Bair, husband and wife
And: Earl V. Walker and Nellie Walker, husband and wife
Purpose: Waste Water
Recorded: February 19, 1965
Instrument No.: 112900

Affects: Section 23

15. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: July 30, 1965
Instrument No.: 117173
Affects: Section 23
16. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: July 18, 1967
Instrument No.: 132411
Affects: Section 23
17. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: October 17, 1985
Instrument No.: 340372
Affects: Section 23
18. Easements reservations and dedications, as shown on record of survey.
Recorded: March 30, 1993
Instrument No.: 414482
Affects: Section 23
19. Easements reservations and dedications, as shown on record of survey.
Recorded: September 10, 1993
Instrument No.: 418687
Affects: Section 23
20. Easements reservations and dedications, as shown on record of survey.
Recorded: May 11, 2009
Instrument No.: 606515
Affects: Sections 22, 23 and 26
21. Easements reservations and dedications, as shown on record of survey.
Recorded: October 28, 2009
Instrument No.: 612154
Affects: Sections 22, 23 and 26

22. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: August 12, 1955
Instrument No.: 43707
Affects: Sections 2, 3 and 26
23. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: July 15, 1957
Instrument No.: 54287
Affects: Sections 2, 3 and 26
24. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: October 10, 1958
Instrument No.: 62587
Affects: Sections 2, 3 and 26
25. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: October 10, 1958
Book: Y, Page: 199
Instrument No.: 62588
Affects: Section 27
26. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: July 30, 1965
Instrument No.: 117164
Affects: Section 27
27. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: January 12, 1970
Instrument No.: 151628

Affects: Section 27

28. An easement for the purpose shown below and rights incidental thereto as set forth in a document:
Purpose: Road right of way
Recorded: March 3, 1925
Book 47, Page 81
Affects: Section 35
29. Agreement and the terms and conditions contained therein
Between: Bingham County Commissioner
And: United States of America
Purpose: Easement and right of way for Truck Trail
Recorded: March 18, 1942
Instrument No.: 33948
Book: M, Page: 285
Affects: Sections 2 and 3
30. An easement for the purpose shown below and rights incidental thereto as set forth in a document:
Purpose: Easement for roadway purposes 40 feet in width
Recorded: July 28, 1953
Instrument No.: 31766
Affects: Sections 2 and 3
31. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: February 4, 1954
Instrument No.: 34339
Book: S of Miscellaneous, Page: 141
Affects: Sections 2 and 3
32. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: February 4, 1954
Instrument No.: 34340
Affects: Sections 2 and 3
33. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
Recorded: October 30, 1959.
Book: 103 at Page: 265
Official Records: Bingham County.

Affects: Section 3

34. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
Recorded: February 26, 1963.
Instrument No.: 96146
Official Records: Bingham County.
Affects: Section 3
35. An easement for the purpose shown below and rights incidental thereto as reserved in a document:
Purpose: Irrigation easement
Recorded: November 16, 2007
Instrument No.: 588044
Affects: Section 26
36. An easement for the purpose shown below and rights incidental thereto as reserved in a document:
Purpose: Irrigation easement and easement for maintenance of a domestic well
Recorded: November 16, 2007
Instrument No.: 588047
Affects: Section 23
37. An easement for the purpose shown below and rights incidental thereto as reserved in a document:
Purpose: Rights of ingress/egress through public roads, egress granted easement and easement for electrical power access
Recorded: October 5, 2010
Instrument No.: 622185
Affects: Section 26
38. Levies and assessments of the Bingham Ground Water Irrigation District, and the rights, powers and easements of said district as by law provided.